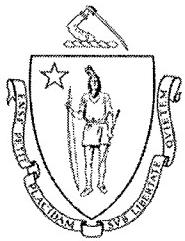


EXHIBIT 5



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

MAURA HEALEY
ATTORNEY GENERAL

(617) 727-2200
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June 4, 2015

Via Electronic Mail and First-Class Mail

Chris J. Tardio, Esq.
Gideon, Cooper & Essary, P.C.
315 Deaderick Street, Suite 1100
Nashville, TN 37238
chris@gideoncooper.com

Re: MDL 2419: *In re New England Compounding Pharmacy, Inc. Products Liability Litigation II* Notice for Mass. BoP Deposition

Dear Attorney Tardio:

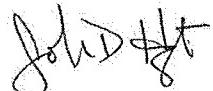
This letter is in further response to your Notice of 30(b)(6) Deposition (the “Notice”), directed to the Massachusetts Board of Registration in Pharmacy (the “Board”).

Recently, the United States Attorney’s Office for the District of Massachusetts (USAO) has raised concerns about the deposition of the Board prior to the conclusion of the criminal action currently pending in this district. (*See* D. Mass. Civ. Action No. 1:14-cr-10363.) The concerns are akin to those raised in the Food & Drug Administration’s motion for a protective order in response to a subpoena duces tecum you served on the agency, which is substantially similar to the Notice you served on the Board. Given these concerns, **it is necessary to postpone the deposition that you have provisionally noticed for June 15, 2015**, until the issues can be fully addressed. I hope that we can amicably agree to a postponement of the deposition until the conclusion of the criminal action or, at a minimum, until such time as the Court has ruled on the FDA’s motion for a protective order and addressed the outstanding choice-of-law issues that are currently being briefed by the parties in the multi-district litigation.

Kindly file a supplemental notice in the MDL docket notifying all interested parties that the deposition of the Board will not go forward on June 15, 2015.

It is my understanding that the USAO's concerns do not necessarily foreclose the production of documents in response to your duces tecum. Therefore, we should schedule a further telephone call to discuss what documents can be produced prior to the resolution of the issues I have adverted to above.

Very truly yours,

A handwritten signature in black ink, appearing to read "J. David Hampton".

J. David Hampton
Assistant Attorney General